filing fee imposed pursuant to § 5.5 (a) and (b) of this part.

* * * * *

(h) *Merger or consolidation of a national bank into a state-chartered bank as defined in 12 U.S.C. 214(a) or into a Federal savings association*—(1) *Policy.* The merger or consolidation of a national bank with a state-chartered bank or Federal savings association under the charter of the state-chartered bank or Federal savings association does not require Office approval. Additionally, the rules of general applicability (12 CFR part 5, subpart A) do not apply. Termination as a national banking association will be automatic upon completion of the requirements of 12 U.S.C. 214a, in the event of a merger or consolidation into a state-chartered bank, or paragraph (h)(3) of this section, in the event of a merger or consolidation into a Federal savings association, and consummation of the transaction.

(2) *Procedure.* A national bank desiring to merge or consolidate with a state bank or a Federal savings association under the charter of the state bank or Federal savings association should submit a notice to the appropriate district office advising of its intention. This notice should be submitted at the time the application to merge or consolidate is filed with the responsible agency under the Bank Merger Act (12 U.S.C. 1828(c)). The bank will be furnished with instructions to terminate its status as a national bank.

(3) *Special procedures for merger or consolidation with a Federal savings association.* A national banking association may, by vote of the holders of at least two thirds of each class of its capital stock, merge or consolidate with a Federal savings association, as authorized pursuant to title V of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 215c(a)), under a Federal savings association charter, in the following manner:

(i) *Approval of board of directors; publication of notice of stockholders' meeting; wavier of publication; notice by registered or certified mail.* The plan of merger or consolidation must be approved by a majority of the entire board of directors of the national banking association. The bank shall publish notice of the time, place, and object of the shareholders' meeting to act upon the plan, in some newspaper with general circulation in the place where the principal office of the national banking association is located, at least once a week for four consecutive weeks, provided that newspaper publication may be dispensed with entirely if wavier by all the shareholders and one publication at least ten days before the meeting shall be sufficient if publication for four weeks is waived by holders of at least two thirds of each class of capital stock and prior written consent of the Office is obtained. The national banking association shall send such notice to each shareholder of record by registered mail or by certified mail at least ten days prior to the meeting, which notice may be waived specifically by any shareholder.

(ii) *Rights of dissenting stockholders.* a shareholder of a national banking association who votes against the merger or consolidation, or who has given notice in writing to the bank at or prior to such meeting that he or she dissents from the plan, shall be entitled to receive in cash the value of the shares he or she holds, if and when the merger or consolidation is consummated, upon written request made to the resulting Federal savings association at any time before thirty days after the date of consummation of such merger or consolidation, accompanied by the surrender of his or her stock certificates. The value of such shares shall be determined as of the date on which the shareholders' meeting was held authorizing the merger or consolidation, by a committee or three persons, one to be selected by majority vote of the dissenting shareholders entitled to receive the value of their shares, one by the directors of the resulting Federal savings association, and the third by the two so chosen. The valuation agreed upon by any two of three appraisers thus chosen shall govern; but, if the value so fixed shall not be satisfactory to any dissenting shareholder who has requested payment as provided herein, such shareholder may within five days after being notified of the appraised value of his or her shares appeal to the Office, which shall cause a reappraisal to be made if the parties agree that such reappraisal shall be final and binding on all parties as to the value of the shares of the appellant and also agree on how the full expenses of the Office in making the reappraisal shall be divided among the parties and paid to the Office. If, within ninety days from the date of consummation of the merger or consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the Office shall upon written request of any interested party, cause an appraisal to be made provided that the parties agree that such appraisal shall be final and binding on all parties as to the value of the shares of the appellant and also agree on how the full expenses of the Office in making the appraisal shall be divided among the parties and paid to the Office. The plan of merger or consolidation shall provide, consistent with the requirements of the Office of Thrift Supervision, the manner of disposing of the shares of the resulting Federal savings association not taken by the dissenting shareholders of the national banking association.

Dated: September 23, 1992.

Stephen R. Steinbrink,

Acting Comptroller of the Currency.

[FR Doc. 92-26282 Filed 11-2-92; 8:45 am]

BILLING CODE 4810-33-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Limited Marketing Activities From a United States Location by Certain Firms and Their Employees or Other Representatives Exempted Under Commodity Futures Trading Commission Rule 30.10

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is granting relief under rule 30.10, 17 CFR 30.10 (1992), to permit firms that have received rule 30.10 relief,[1] to engage in limited marketing conduct with respect to foreign futures or option contracts within the United States through their employees or other representatives. The relief granted by this order, which responds to requests for clarification from certain persons granted rule 30.10 relief as to what marketing activities such relief permits to be undertaken in

[1] For purposes of this Order, the term "rule 30.10 relief" will include any comparability order of the Commission under rule 30.10 granting relief from the application of certain of the Commission's part 30 rules, including registration, as well as any order which in its effect is identical to such relief (*e.g.*, Mutual Recognition Memorandum of Understanding, 55 FR 23902 (June 13, 1990)). To date the Commission has granted the following orders under rule 30.10: 55 FR 23903 (June 13, 1990) (Mutual Recognition Memorandum of Understanding between the CFTC and the French Commission des Operations de Bourse); 54 FR 21614 (May 19, 1989) (Investment Management Regulatory Organization Limited); 54 FR 21609 (May 19, 1989) (The Securities Association ("TSA")) and 54 FR 21604 (May 19, 1989) (Association of Futures Brokers and Dealers ("AFBD")) [the AFBD and TSA have since merged to form the Securities and Futures Authority]; 54 FR 21599 (May 19, 1989) (Securities and Investments Board); 54 FR 21599 (May 19, 1989) (Montreal Exchange); 54 FR 606 (January 10, 1989) (Singapore International Monetary Exchange Limited); and 53 FR 44856 (November 7, 1988) (Sydney Futures Exchange Limited).

the United States, will apply only to firms which have both received such relief and which are located in a foreign jurisdiction whose comparable regulatory regime extends to the supervision of the activities engaged in by a firm, its employees or other representatives operating in a jurisdiction other than the licensing or "home" jurisdiction.

EFFECTIVE DATE: December 3, 1992.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Esq. or Robert Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION: Part 30 of the Commission's regulations establishes a regulatory framework governing the offer and sale of foreign futures and option contracts to persons located in the United States.[2] Commission rule 30.10, adopted on July 23, 1987, provides a framework pursuant to which persons located in a foreign jurisdiction which imposes a comparable regulatory regime may be exempted from certain of the Commission's part 30 rules and regulations subject to, among other things, appropriate information sharing arrangements between the Commission and relevant foreign authorities and assurances that the activities subject to regulation will be supervised by the appropriate regulatory authorities in that jurisdiction.

In adopting the exemptive provision of rule 30.10 the Commission stated that the exemption would be available only to persons located outside the United States who are subject to a comparable regulatory system and who engage in activities subject to regulation and supervision in their home jurisdiction by their home regulator.[3] This restrictive application of relief was premised, in part, on the desire of the Commission to proceed in a cautious manner in the implementation of a new program which could implicate the customer protections accorded United States customers. Specifically, the Commission was concerned that conduct not occur in the United States which would not be supervised either by the Commission or the foreign regulator.

Consistent with the above, foreign firms which have received rule 30.10 relief could, from a location outside of the United States, offer or sell foreign futures or option contracts to persons located in the United States, as long as such conduct did not violate the anti-fraud provision of Commission rule 30.9 and was not otherwise inconsistent with the provisions of the Commodity Exchange Act ("Act") or regulations thereunder or the law of the other jurisdictions in which the firm is located. This conduct could include telephone calls, mailings (both printed material as well as electronically encoded material such as compact discs or computer diskettes), or advertising in media such as radio, television or newspapers (including the transmission of advertising via computer screens).[4] Such solicitation activities, which (in addition to the acceptance of orders) [5] otherwise would require registration with the Commission regardless of the point of origin, currently may be undertaken by foreign firms which have been exempted from the registration requirement under a rule 30.10 order based on that firm's compliance with the rules of a comparable regulatory system.

The Commission notes, however, that policies established under one set of circumstances may not necessarily be appropriate in light of change circumstances. In particular, the existence of a four year operational history under the part 30 program, as well as requests from various foreign regulations for a more flexible interpretation of the rule 30.10 orders or equivalent arrangements to permit limited conduct within the United States, warrant a reexamination of the Commission's policy under rule 30.10 so as to determine whether conduct in the United States by employees or other representatives of rule 30.10 firms directed to existing and prospective customers can be permitted consistent with the Commission's responsibilities under the Act.

The Commission initially observes that its experience with the operation of the part 30 program has been positive. To date, over 100 firms have received rule 30.10 relief and the Commission is aware of no problems under the program. The Commission believes that the success of the rule 30.10 program as well as the existence of working relationships established under that program with foreign regulatory and self-regulatory authorities provide assurances that the conduct of rule 30.10 exempted firms through their employees or other representatives located in the United States, if of a limited duration and subject to proper supervisory controls, will not be inconsistent with the Commission's obligations under the Act to ensure appropriate customer protection.

In addition, Commission staff previously has broadened the ability of certain foreign firms to communicate with United States persons from United States locations. For example, Commission staff made clear that the use by such a firm of a United States registered introducing broker ("IB"), whether affiliated or unaffiliated, as a sales agent would not disqualify the foreign firm from eligibility for rule 30.10 relief.[6] A Commission staff no-action position permitted representatives of a firm exempted under rule 30.10 to solicit certain U.S. institutional entities under certain specified circumstances and conditions.[7] This relief was of limited duration, however, and required, among other things, that the representatives of the foreign firm be accompanied by a registered associated person of an affiliated Commission registered firm and that any accounts ultimately opened with the foreign firm be introduced by the Commission registered firm. More recently, Commission staff has provided guidance to a foreign futures exchange with respect to the permissible scope of activities that the members of that exchange could engage in during a limited one-day promotional event in the

[2] 17 CFR Part 30 and Appendix A thereto, which was adopted by the Commission on July 23, 1987, 52 FR 28980 (August 5, 1987). Rule 30.1, 17 CFR 30.1, defines "foreign futures" and "foreign option" in terms contracts that are "made or to be made on or subject to the rules of any foreign board of trade." The relief granted in the order applies only with respect to foreign futures and options.

[3] See 52 FR 28980, 28981 (August 5, 1987) ("It is not the Commission's intention to grant such exemptions to persons located in the United States that solicit or accept orders for execution on a foreign board of trade. . . ."); see also Division of Trading and Markets Interpretative Letter 90-14, July 24, 1990, 2 Comm. Fut. L. Rep. (CCH) ¶ 24,888; and Division of Trading and Markets Interpretative Letter 88-3, January 15, 1988, Comm. Fut. L. Rep. (CCH) ¶ 24,085.

[4] Such activities have been deemed by the Securities and Exchange Commission ("SEC") to constitute "solicitation" in the context of broker-dealer registration. As noted by the SEC in its release adopting rule 15a-6 (exemptions from broker-dealer registration for foreign firms), "the term solicitation includes efforts to induce a single transaction or to develop an ongoing securities business relationship. Conduct deemed to be solicitation includes telephone calls from a broker-dealer encouraging use of the broker-dealer to effect transactions, as well as advertising one's function as a broker or market marker in newspapers or periodicals of general circulation in the United States or on any radio or television station whose broadcasting is directed into the United States." 54 FR 30013, 30016 (July 18, 1989). See also 55 FR 18306, 18310 (May 2, 1990) (adopting SEC Regulation S).

[5] The Commission wishes to make clear that its registration requirements do not distinguish between the solicitation or acceptance of orders. See *e.g.*, Rule 30.4(a), 17 CFR 30.4(a).

[6] See Division of Trading and Markets Interpretative Letter 88-3, January 15, 1988, Comm. Fut. L. Rep. (CCH) ¶ 24,085.

[7] See, Division of Trading and Markets Interpretative Letter 90-14, July 24, 1990, 2 Comm. Fut. L. Rep. (CCH) ¶ 24, 888.

United States at a specified location to promote the exchange and its products to certain United States institutional customers.[8]

The above positions were based on a recognition by Commission staff that in order for rule 30.10 relief to better serve the interests of existing and prospective United States customers of rule 30.10 firms consistent with relevant customer protection concerns, certain direct contacts between such firms and their customers which would not contravene the Commission's original intent to permit marketing by firms without permanent locations in the United States could be permitted. The Commission concurs and, accordingly, has determined that firms subject to a rule 30.10 exemption should be permitted to engage in reasonably limited marketing activities in the United States with respect to foreign futures and options from a United States location with certain customers or potential customers as described and subject to the conditions specified below.

As specified below, the Commission initially is limiting its relief to conduct directed towards certain institutions and governmental entities whose description in terms of status and assets has been derived generally from the definition of 'qualified eligibile participant" ("QEP") as that term is defined in recently adopted Commission rule 4.7(a)(1)(ii), 57 FR 34853, 34860 (August 7, 1992). The Commission believes that direct contacts by rule 30.10 firms through their employees or other representatives with such institutions and governmental entities, who have a high degree of sophistication and financial resources, may facilitate appropriate supervision by the relevant foreign regulator.[9]

The Commission's policy is intended only to permit marketing activities in the United States for limited periods by rule 30.10 exempted firms and their employees or other representatives. Clearly, any person who establishes a fixed location for the solicitation or acceptance of business in the United States, or whose marketing activities involve long or repeated periods within the United States that can be characterized as a *de facto* fixed presence, will be required to register with the Commission. In order to eliminate requests for guidance and to permit its new marketing policy to be implemented generally on a self-executing basis, the Commission Order includes as a condition an objective standard governing the permissible duration and frequency of conduct in the United States. Essentially, the Commission believes that for purposes of this Order marketing activity subject to regulation under part 30 which in the aggregate does not exceed thirty business days in any calendar year does not constitute a *de facto* fixed presence which would disqualify the rule 30.10 firm from eligibility for such relief.[10] This relief is conditioned on the requirement that the foreign regulatory or self-regulatory organizations granted rule 30.10 relief interpret their authority to encompass supervision of firms which engage in marketing conduct from United States locations and undertake to use such authority to implement measures to monitor compliance with the criteria of this Order.[11] In addition, the foreign regulatory or self-regulatory organization to which the Commission's rule 30.10 order is issued must request that the Order herein apply to firms in its jurisdiction with confirmed rule 30.10 relief and the Commission must confirm its applicability in writing.

Based upon the foregoing analysis and pursuant to its authority under sections 2(a)(1)(A), 4 and 4c of the Act, 7 U.S.C. 2, 6 and 6c, the Commission hereby authorizes any firms soliciting or accepting orders for foreign futures or options from U.S. customers for whom relief under rule 30.10 has been confirmed to market their services from non-permanent locations in the United States without prior notification to the Commission, *Provided,* That:

(1) The regulatory or self-regulatory organization to which rule 30.10 relief has been granted undertakes to supervise conduct by firms with such relief which takes place outside of that foreign jurisdiction through such firms' employees or other representatives under this Order;

(2) Any such firm supervises and accepts liability for all conduct by its employees or other representatives taking place in the United States with respect to its marketing activities;

(3) Marketing activities within the United States are reasonably limited in duration and frequency. (For this purpose, visits which do not in the aggregate exceed thirty business days in any one calendar year will be deemed to be reasonably limited);

(4) All accounts opened and all orders for foreign futures or options accepted as a result of any customer communications in the United States will be effected directly through the foreign office of the rule 30.10 firm;

(5) Such soliciting or marketing activities occurring within the United States will be limited to such activities directed to the following persons, acting either for their own account or the account of another entity which is described below:

(a) An FCM, IB, commodity pool operator or commodity trading advisor registered as such with the Commission;

(b) A broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934;

(c) An investment company registered under the Investment Company Act of 1940 or a business development company defined in section 2(a)(48) of that Act;

(d) A bank as defined in section 3(a)(2) of the Securities Act of 1933 ("Securities Act"), or any savings and loan association or other institution as defined in section 3(a)(5)(A) of the Securities Act;

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[8] See letter dated August 17, 1992 from Andrea Corcoran, Commission, to Patrick Stephen, Marche a Terme International de France.

[9] The QEP definition includes a portfolio test for certain persons which is intended to reflect objective evidence of investment experience. Such prior investment experience was deemed necessary by the commission in order to ensure that investors who do not receive the specific commodity-pool related disclosures of rule 4.21 would have a relatively high degree of investment acumen and resources. See 57 FR 34853, 34855 (August 7, 1992). In the contest of direct United States marketing contacts between rule 30.10 firms and certain institutions in the United States with whom such firms could communicate directly from offshore locations, the Commission does not believe that such a portfolio standard is necessary. Specifically, the portfolio test of rule 4.7 is intended to assure prior investment experience and thereby diminish the need for the mandated disclosures in rule 4.21. In contrast, the disclosure obligations to United States customers contacted directly pursuant to this Order by a firm with rule 30.10 relief will not in any way be diminished by this Order, as rule 30.10 contemplates disclosure pursuant to the Act.

The Commission notes, however, that this Order should be viewed as a first step. Absent any problems that would warrant a reconsideration of the appropriateness of permitting rule 30.10 firms to operate in accordance with the terms of this Order, the Commission may in due course expand the Order to include any customer located in the United States.

[10] This order addresses marketing and other sales activities by firms with rule 30.10 relief and their employees or other representatives from United States locations and does not encompass any other activities subject to regulation under the Act. To the extent that a rule 30.10 firm has an affiliate (which is separately incorporated or otherwise has a separate legal existence) in the United States which is registered with the Commission (*e.g.*, an IB), the Commission wishes to make clear that such registrant's conduct will not be attributed to the rule 30.10 firm for purposes of the limitation on duration and frequency of activities in the United States imposed by this Order. The Commission recognizes that employees or other representatives of a rule 30.10 firm may routinely conduct business in the United States that is unrelated to the Act. It is the Commission's intent that the 30 day limit apply only with respect to conduct subject to regulation under the Act.

[11] It should be noted of course that notwithstanding the supervision that a foreign regulator may apply to the activities of a rule 30.10 firm operating from relevant foreign jurisdictions or in the United States pursuant to this Order, the Commission retains its direct jurisdiction over such firms and their employees or representatives who engage in activities subject to part 30. In this connection, the Commission notes that every order granting rule 30.10 relief has required a firm seeking relief under such an order to consent to jurisdiction in the United States under the Act and file a valid and binding appointment of an agent in the United States for service of process in accordance with the requirements set forth in Commission rule 30.5, 17 CFR 30.5.

(e) An insurance company as defined in section 2(13) of the Securities Act;

(f) A plan established by and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of $5,000,000;

(g) An employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974, *Provided*, That the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is a bank, savings and loan association, insurance company, or registered investment adviser; or that the employee benefit plan has total assets in excess of $5,000,000;

(h) A private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940;

(i) An organization described in section 501(c)(3) of the Internal Revenue Code, with total assets in excess of $5,000,000;

(j) A corporation, Massachusetts or similar business trust, or partnership, other than a pool, which has total assets in excess of $5,000,000;

(k) A pool, trust, insurance company separate account or bank collective trust, with total assets in excess of $5,000,000; or

(l) A governmental entity (including the United States, a state, or a foreign government) or political subdivision thereof, or a multinational or supranational entity or an instrumentality, agency or department of any of the foregoing; and

Provided Further That;

(6) Before the Order herein may become effective as to any rule 30.10 order, the regulatory or self-regulatory organization to which rule 30.10 relief has been granted requests, and the Commission confirms in writing, the applicability of the Order herein to such rule 30.10 order.

The Commission wishes to make clear that firms and their employees or other representatives which engage in marketing conduct within the United States pursuant to this Order will be deemed by the Commission to have consented to the agent named in the agency agreement filed by the firm as a condition of rule 30.10 relief as their agent for service of process with respect to their activities regulated under the Act.

Any rule 30.10 firm operating under this Order will remain subject to all of the requirements contained in Part 30 of the Commission's regulations concerning the offer and sale of foreign futures or options to United States persons, including the antifraud prohibitions of rule 30.9. The Commission intends to evaluate the operation of this Order to determine whether the conditions noted above for the limited presence of foreign firms in the United States are appropriate. The Commission reserves the right to modify or revoke this Order, in its discretion, as it deems appropriate, including to terminate the authority granted hereunder to any specific firm operating hereto.

Issued in Washington, DC on October 28, 1992.

Lynn K. Gilbert,

Deputy Secretary to the Commission.

[FR Doc. 92-26572 Filed 11-2-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order of the Director, OPPR.

SUMMARY: Pursuant to the delegated authority, the Director of the Office of Pipeline and Producer Regulation (OPPR) revises and publishes the maximum lawful prices (MLPs) prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November and December 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the MLPs before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1992.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 208-0622.

SUPPLEMENTARY INFORMATION:

PUBLICATION OF PRESCRIBED MAXIMUM LAWFUL PRICES UNDER THE NATURAL GAS POLICY ACT OF 1978

Order of the Director, OPPR

Issued October 28, 1992.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires the Commission to compute and make available maximum lawful prices (MLPs) and inflation adjustments prescribed in Title I of the NGPA prior to the month they apply to.

The permanent elimination of all wellhead price controls, through the repeal of Title I of the NGPA, is effective on January 1, 1993.[1] Therefore, under the authority delegated in § 375.307(c)(1) of the Commission's regulations, the Director of the Office of Pipeline and Producer Regulation is publishing MLPs and inflation adjustment factors for November and December 1992 only.

MLPs and inflation adjustment factors for periods before November 1992 are contained in Tables in §§ 271.101 and 271.102 of the Commission's regulations. Table I of § 271.101(a) specifies the MLPs for gas under NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the MLPs for gas under sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors.

The quarterly percentage change in the gross domestic product (GDP) implicit price deflator published on October 27, 1992, was used in computing the MLPs and inflation adjustment factors for November and December 1992. The gross national product (GNP) specified in the NGPA wasn't used since the Department of Commerce states the next change in the GNP won't be published until December 1992. When the GNP is published, revised prices and inflation factors for November and December 1992 will be published, if necessary.

The Director notes that no changes to the MLPs and inflation adjustment factors for August, September and October 1992, which were computed with the GDP implicit price deflator, are necessary. After the GNP was published, it was found that MLPs and inflation factors for August, September and October 1992, computed using the GNP, were identical to those computed using the GDP.

List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

Upon consideration of the foregoing, part 271, chapter I, title 18 of the Code of Federal Regulations, is amended as set forth below.

1. The authority citation for part 271 continues to read as follows:

Authority: 15 U.S.C. 717-717w; 15 U.S.C. 3301-3432; 42 U.S.C. 7101-7352.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for November and December 1992, in Tables I and II.

[1] Natural Gas Wellhead Decontrol Act of 1989, Section 2, P.L. 101-60, July 26, 1989.